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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,964	03/26/2004	Jayanta Kumar Dey	99-851CON1	9817
25537	7590	09/10/2007		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER NGUYEN, CHAU T	
			ART UNIT 2176	PAPER NUMBER
			NOTIFICATION DATE 09/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No.	Applicant(s)	
	10/810,964	DEY ET AL.	
	Examiner	Art Unit	
	Chau Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's submission filed on 06/22/2007 has been entered. Claims 1-26 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 3-8, 11-14, 16-21, and 24-26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 10-19 and 21-22 of parent U.S. Patent No. 6,757,866. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application define an obvious variation of the invention claimed in US Patent No. 6,757,866.

4. Claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application is anticipated by patent claims 1-8, 10-19 and 21-22 (U.S. Patent No. 6,757,866) in that claims 1-8, 10-19 and 21-22 contain all the limitations of claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application. Claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application therefore are not patently distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-16, and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (Wistendahl), US Patent Number 5,708,845, Barr et al. (Barr), US Patent No. 5,873,076 and further in view of Niwa et al. (Niwa), US Patent No. 5,987,460.

7. As to independent claims 1 and 14, Wistendahl discloses a method for finding documents which relate to a portion of a temporal document, comprising:

(a) in response to a signal of interest at a particular time during the temporal document, identifying a portion of the temporal document for which related documents are to be found (Wistendahl et al., col. 2, lines 41-58, col. 3, lines 38-48, and col. 7, lines 55-59, and col. 8, lines 38-67: as the movie runs, the user can point the remote control pointer to a designated actor or object appearing on the television display and click on the desired object);

(b) selecting text associated with the portion of the temporal document identified (col. 7, lines 49-63 and col. 8, lines 38-65: user clicking on the movie "The Maltese Falcon");

However, Wistendahl do not teach (c) finding the related documents by use of information retrieval techniques as applied to the selected text, wherein the related documents are selected from a collection of documents according to scores associated with the documents.

In the same field of endeavor, Barr et al. disclose a searching/retrieval system which can query a library or database and identify not only text documents, but also multi-media files stored on the library or database that are relevant to query (col. 2, line 59 – col. 3, line 54). Barr et al. also disclose accepting a query and returning a single search results list having both text and multi-media information (temporal document), and query server performs a relevance ranking on each of the textual documents and multi-media files identified by the search by generating a relevance score corresponding to each of the entries on the search result list, and this relevance is based on the term location information contained in index database, and in part on the relative proximity within the document file of terms forming the search query (col. 12, lines 54-65, col. 13, lines 30-67 and col. 24, lines 19-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wistendahl and Barr to include finding the related documents by use of information retrieval techniques as applied to the selected text, wherein the related documents are selected from a collection of documents according to scores associated with the documents. Barr suggests that assigning scores associated with documents identified during a query search would indicate the degree to which the document relates to the subject.

However, Wistendahl and Barr do not explicitly disclose said scores for each document based on a summation of ratios between the number of documents in the collection and, for each term in the selected text contained in the document, the number of documents in the collection containing the term.

Niwa discloses the data of words and document frequencies are stored in the area for storing frequency data, the document frequency of a word (related documents) is the number of retrieved documents where the word appears, and the total document frequency (collection of documents) is the number of documents using the word in the entire retrieval document subject (col. 9, lines 28-57). In addition, Niwa discloses that the frequency ratio (scores for each document) is a value of the document frequency (related document) divided by the total document frequency (collection of documents) (col. 9, lines 36-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Niwa with Wistendahl to include scores for each document based on a summation of ratios between the number of documents in the collection and, for each term in the selected text contained in the document, the number of documents in the collection containing the term. Niwa suggests that calculating the frequency ratio (scores for each document) for the purpose of determining a topic word characteristic to a document group (page 9, lines 58-62).

8. As to dependent claims 2 and 15, Wistendahl, Barr and Niwa disclose wherein the temporal document is video or audio material (Wistendahl, col. 7, lines 49-63).

9. As to dependent claims 3 and 16, Wistendahl, Barr and Niwa disclose wherein the video material is stored on a video server inasmuch as this element is inherent in

the teaching of large digital libraries transmitted to subscribers. (Wistendahl et al., col. 6, line 58, col. 7, line 6.)

10. As to dependent claims 5 and 18, Wistendahl, Barr and Niwa disclose wherein the selected text is the closed-captioned text associated with the portion of the temporal document identified (Wistendahl et al., col. 7, lines 55-59: the selected text is pop-up movie trivia, which is the equivalent of close-captioned text.)

11. As to dependent claims 6 and 19, Wistendahl, Barr and Niwa disclose the temporal document including text as discussed above regarding claims 5 and 18.

12. As to dependent claims 7 and 20, Wistendahl, Barr and Niwa disclose wherein the document text appearing to the user varies with time and the selected text is that portion of the temporal document identified (Wistendahl et al., col. 7, lines 53-59).

13. As to dependent claims 8 and 21, Wistendahl, Barr and Niwa disclose wherein the document text includes news bulletins, weather, sports scores or stock transaction or pricing information (Barr et al., col. 31, line 43 – col. 32, line 21).

14. As to dependent claims 9 and 22, Wistendahl, Barr and Niwa disclose wherein the related documents are accessed through the Internet (Wistendahl et al., col. 5, lines 14-15. and Barr et al., col. 8, line 50 – col. 9, line 22).

15. As to dependent claims 10 and 23, Wistendahl, Barr and Niwa disclose further including selecting the related documents from among a collection of documents which may be accessed through the Internet, by utilizing databases comprising information about the collection (Wistendahl et al., col. 5, lines 14-15; col. 8, lines 66-67 and Barr et al., col. 8, line 50 – col. 9, line 22).

16. As to dependent claims 11 and 24, Wistendahl does not teach, but it would have been obvious to one of ordinary skill in the art to implement, selecting a predetermined number of documents, 1000, because it was well known in the art to limit search results to a predetermined number and one of ordinary skill in the art would have recognized that this provided the benefit of not overwhelming the user, and moreover would have recognized that 1,000 documents was an upper limit of the number of documents that could comfortably be retrieved.

17. As to dependent claims 12 and 25, Wistendahl, Barr and Niwa disclose wherein evaluating documents in the collection includes accessing compressed document surrogates (Wistendahl, col. 2, lines 16-28).

18. As to dependent claims 13 and 26, Wistendahl, however, does not explicitly disclose wherein related documents are selected from the collection by a server which is distinct from the server which receives the signal of interest.

Barr discloses in col. 8, line 50 – col. 9, line 22 that a data center includes session server 114 for receiving a search query from user and query server 116 for sending search results information, thus session server 114 and query server 116 are distinct from each other.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Barr with Wistendahl to include separate servers, one for receiving the information, and the other for processing the information, and thus separate servers would enhance the system and be easier for maintenance.

19. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl, Barr and Niwa as discussed in claims 1-3, 5-16, and 18-26 above, and further in view of Witteman, US Patent Number 6,243,676.

20. As to dependent claims 4 and 17, Wistendahl, Barr and Niwa, however, do not explicitly disclose wherein the selected text is determined by application of speech recognition techniques to the audio component of the portion of the temporal document identified.

Witteman discloses when a word or phrase (text) has been identified, the word or phrase is sent to the speech recognizer to search recent audio feeds for that word or phrase (Abstract and col. 4, lines 49-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Witteman with Wistendahl, Barr and Niwa

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to include the selected text is determined by application of speech recognition techniques to the audio component of the portion of the temporal document identified. Witteman's system provides text feed which is searchable and aligned with the audio feed so the user can search for the item of interest and can either read the text feed or listen to the audio feed.

Response to Arguments

In the remarks, Applicant(s) argued in substance that

A) Niwa does not teach or suggest the scores for each document based on a summation of ratios between the number of documents in the collection and, for each term in the selected text contained in the document, the number of documents in the collection containing the term.

In reply to argument A, Niwa discloses document frequency of a word is the number of retrieved documents where the word appears (number of document in collection containing the word or term), and the total document frequency is the number of documents (summation of collection of documents) using the word in the entire retrieval document (col. 9, lines 36-57). Niwa also discloses that the frequency ratio (scores for each document) is a value of the document frequency (number of document in collection containing the word or term) divided by the total document frequency (collection of documents) (col. 9, lines 36-57).

B) There is no motivation to combine Niwa with Wistendahl and/or Barr.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Niwa discloses a document retrieval assisting system having a user interface to attain an interactive guidance function for document retrieval, which is similar to a method for allowing user using an interactive program to retrieve media content of Wistendahl. Barr discloses architecture for processing search queries and retrieving documents, which is similar to the systems of Niwa and Wistendahl. Niwa, Wistendahl and Barr are analogous arts since they are in the same field of endeavor. Thus, it would have been obvious to one of ordinary skill in the art at to combine Barr and Niwa with Wistendahl for the purpose of providing a searching/retrieval system which can query a database and identify not only text document, but also multi-media files stored on the database that are relevant to the query.

21. Applicant's arguments filed 06/22/2007 have been fully considered but they are not persuasive. Please see response to arguments above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

/Doug Hutton/
Supervisory Primary Examiner
Technology Center 2100